

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on **Labor and Employment**, to which was referred House Bill 1608, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between lines 10 and 11, begin a new paragraph and insert:
- 2 **"(c) This chapter does not apply to a person who is subject to**
- 3 **drug testing requirements under IC 8-2.1-24-18."**
- 4 Page 1, line 16, delete "who:" and insert **"that:"**
- 5 Page 2, between lines 3 and 4, begin a new paragraph and insert:
- 6 **"Section 5. As used in this chapter, "employee" means a person**
- 7 **who is employed by a contractor at the worksite of a public works**
- 8 **project."**
- 9 Page 2, line 4, delete "5." and insert **"6."**
- 10 Page 2, line 7, delete "6." and insert **"7."**
- 11 Page 2, line 9, delete "7." and insert **"8."**
- 12 Page 2, line 26, delete "8." and insert **"9."**
- 13 Page 2, line 28, after "bid" insert **":**
- 14 **(1) a statement that the contractor has an existing drug testing**

1 **program that complies with this chapter; or**
 2 **(2) a statement that the contractor's drug testing program has**
 3 **been prequalified under subsection (d).".**

4 Page 2, line 28, delete "a written plan for a program to test the
 5 contractor's".

6 Page 2, delete line 29.

7 Page 2, line 30, after "contractor" insert "**that:**

8 **(1) is not prequalified under subsection (d); or**

9 **(2) that does not submit within three (3) days after the bid**
 10 **opening a written plan for an employee drug testing program**
 11 **that complies with this chapter.".**

12 Page 2, delete lines 31 through 32.

13 Page 2, line 34, delete "shall be treated as having an employee drug
 14 testing".

15 Page 2, line 35, delete "program that".

16 Page 2, line 41, delete "9(a)(3)" and insert "**10(a)(3)**".

17 Page 3, line 14, after "section." insert "**The contractor may use the**
 18 **employee drug testing program included in the collective**
 19 **bargaining agreement to test its own employees who are not**
 20 **members of the collective bargaining unit.**

21 **(d) An agency that has a prequalification process for**
 22 **contractors must require a contractor seeking a certificate of**
 23 **qualification to demonstrate that the contractor maintains an**
 24 **employee drug testing program that complies with this chapter.".**

25 Page 3, line 15, delete "9." and insert "**10.**".

26 Page 4, line 10, before "The program" insert "**In addition to the**
 27 **disciplinary measures in this section, the employee is not eligible**

1 **for reinstatement to employment until the employee tests negative**
2 **on a five (5) drug panel test certified by a medical review officer."**

3 Page 4, line 23, delete "10." and insert "**11.**".

(Reference is to HB 1608 as introduced.)

and when so amended that said bill do pass.

Representative Cheney